

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/516

- Applicant** : 黃慶有 (Mr.) represented by 海願規劃發展公司
- Site** : Lot 1671 (Part) in D.D.129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,470m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Recreation” (“REC”)
- Application** : Temporary Open Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials for a period of three years at the application site (the Site) (**Plan A-1**) zoned “REC” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and used for the applied use without valid planning permission (**Plans A-2, A-4a to A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a local track, with the ingress/egress located at the southwest of the Site (**Drawing A-1**). As indicated in the submission, the open storage yard would be used for storage of construction materials such as bricks, metals, cement products, tiles and bolts. As shown on the layout plan at **Drawing A-1**, an area of about 2,070m² (or 59.7%) is designated for open storage of construction materials. Three single-storey structures (about 3m to 4m in height) with a total floor area of about 50m² are used for site office, storage of construction materials and guardroom uses. Two loading/unloading spaces for light goods vehicle are provided.
- 1.3 According to the applicant, the operation hours are between 9 a.m. and 6 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays.
- 1.4 In support of the application, the applicant has submitted the Application Form with attachments which was received on 22.3.2024 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (b) traffic generated by the applied use would concentrate in off-peak hours and would not be significant. Sufficient manoeuvring space would be provided to facilitate turning and U-turn movement of vehicles. No vehicles would queue back to or reverse onto/from public roads. Hence, the applied use would not cause adverse traffic impact to the local road network;
- (c) no dismantling, cleansing, repairing, paint spraying and workshop activities would be undertaken. There would be no night-time operation. Hence, no adverse environmental impact would be generated;
- (d) the applied use could facilitate the proper management of the Site. By preventing dumping or fly-tipping at the Site, the local environment would be improved; and
- (e) similar applications were approved with conditions by the Board within the same “REC” zone.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Ordinance (TPB PG-No. 31B) by posting site notice and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 13G for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within the Category 2 areas under the TPB PG-No. 13G. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is subject to planning enforcement action (Cases No. E/YL-LFS/602) against unauthorized development (UD) involving storage use (including deposit of containers) (**Plan A-2**). Enforcement Notice (EN) was issued to the concerned parties on 9.4.2024 requiring the discontinuance of the UD by 9.6.2024. If the EN is not complied with, prosecution action would be taken.

6. Previous Application

The Site is not involved in any previous application.

7. Similar Applications

- 7.1 Within the “REC” zone, there were 10 similar applications for various open storage uses in the past five years. Eight of them were approved while two were rejected by the Rural and New Town Planning Committee (the Committee) of the Board. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

Approved applications

- 7.2 Applications No. A/YL-LFS/399 and 451 were approved with conditions by the Committee on 25.6.2021 and 3.2.2023 respectively mainly on considerations that the applied use was in line with the relevant TPB PG-No. 13 in that the sites were subject to previous permissions, and there had been no major change in planning circumstances since the granting of the previous permissions; and concerned government departments generally had no objection to the applications and/or the technical concerns could be addressed by approval conditions.
- 7.3 Applications No. A/YL-LFS/479, 493, 504, 505, 514 and 515 were approved with conditions by the Committee between August 2023 and April 2024, i.e. after the sites and their adjoining areas were reclassified from Category 3 to Category 2 areas under TPB PG-No. 13G promulgated on 14.4.2023, mainly on considerations that the applied use was in line with TPB PG-No. 13G in that concerned government departments generally had no objection to the applications and the technical concerns could be addressed by approval conditions.

Rejected applications

- 7.4 Applications No. A/YL-LFS/351 and 400 were rejected by the Committee in 2020 and 2021 respectively, i.e. when the sites and its adjoining areas were still classified as Category 3 areas under the then TPB PG-No. 13F, mainly on grounds that the applied use was not in line with the planning intention; the sites were not subject to previous permissions for open storage use; and there were adverse departmental comments on environmental, traffic, landscape and/or drainage aspects.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 8.1 The Site is:

- (a) hard-paved and used for the applied use without valid planning permission; and
- (b) accessible from Deep Bay Road to its west via a local track.

- 8.2 The surrounding areas are predominated by open storage yards and parking of

vehicles. Other uses such as car drifting ground and shrubland are also found in the vicinity of the Sites. Some of the surrounding uses are suspected unauthorized developments subject to planning enforcement action. The Permitted Burial Ground No. YL/59 is located to the northeast within the “Green Belt” (“GB”) zone.

9. Planning Intention

The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

10. Comments from Relevant Government Departments

All departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

11. Public Comment Received During Statutory Publication Period

On 2.4.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application on grounds that approving the application would extend brownfield operations further to area close to the “GB” zone; brownfield operations should be concentrated in dedicated land use zones; open storages are not efficient use of land; and open storage would cause potential adverse air quality and drainage impacts.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction materials for a period of three years at the Site zoned “REC” on the OZP (**Plan A-1**). Although the applied use is not in line with the planning intention of the “REC” zone, there is no known development proposal to implement the zoned use at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “REC” zone.
- 12.2 The Site is located in an area predominated by open storage yards and parking of vehicles, some of which are covered by valid planning permissions. The applied use is considered generally not incompatible with the surrounding land uses.
- 12.3 According to TPB PG-No. 13G, the Site falls within Category 2 areas. The application is in line with TPB PG-No. 13G in that there are no adverse comments from concerned government departments including the Director of Environmental Protection, Commissioner for Transport, Chief Town Planner/Urban Design and Landscape of Planning Department, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS). To minimise any possible environmental nuisance on the surrounding areas, the applicant will be advised to adopt the latest ‘Code of Practice on Handling the

Environmental Aspects of Temporary Uses and Open Storage Sites’. The technical requirements of CE/MN of DSD and D of FS could also be addressed by imposing approval conditions recommended in paragraph 13.2 below.

- 12.4 The Committee has approved eight similar applications in the past five years. Although the Committee had rejected two similar applications (No. A/YL-LFS/351 and 400) in 2020 and 2021 respectively, these applications were rejected when the sites fell within Category 3 areas under the then TPB PG-No. 13F and there were adverse departmental comments. For the current application, the Site and its adjoining area have been reclassified from Category 3 to Category 2 areas under the TPB PG-No.13G promulgated on 14.4.2023, and there are no adverse comments from concerned government departments on the application. Approval of the current application is not in conflict with the previous decisions of the Committee.
- 12.5 Regarding the public comment objecting to the application as stated in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of construction materials could be tolerated for a period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until **10.5.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (b) the submission of a drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **10.11.2024**;
- (c) in relation to (b) above, the implementation of the drainage proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **10.2.2025**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **21.6.2024**;

- (f) the submission of a proposal for water supplies for firefighting and fire service installations within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **10.11.2024**;
- (g) in relation to (f) above, the provision of water supplies for firefighting and fire service installations within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **10.2.2025**;
- (h) if any of the above planning condition (a) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning condition (b), (c), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "REC" zone, which is primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with attachments received on 22.3.2024
Appendix II	Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G)
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment Received During Statutory Publication Period
Appendix VII	'Good Practice for Open Storage Sites' by the Fire Services Department
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2024**